SURGE/EMERGENCY CONTRACTING PROCEDURES

Kim McDonald

PKPB

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Definitions

- Enduring Freedom
  - The name associated with the war on terrorism outside the United States
- Noble Eagle
  - Military operations inside the United States (homeland defense and civil support)

Transition to A Wartime Posture

(SAF/AQ Memo, 05 Oct 2001)

- Ms. Druyun: "I *expect*……funding obligated within 24 hours of receipt of Budget Authority…"
- "Liberal Use" of Undefinitized Contractual Actions (UCA's), Urgent & Compelling Justifications and Approvals (J&A's), Options, Accelerated Delivery
- "Will sign Waivers"
  - There are no blanket waivers/delegations in place
  - May request temporary revisions to thresholds/approval levels via written request to SAF/AQC
- "Provide Rapid, Agile Combat Capability"
  - When needed
  - At an affordable cost

Rapid, Agile Contracting Support During Operation Enduring Freedom (SAF/AQC Memo, 05 Oct 2001)

Per Brig Gen Scott:

"Lean forward"

"Get on with it"

(Within the realm of the FAR and Statutes)

Rapid, Agile Contracting Support During Operation Enduring Freedom (SAF/AQC Memo, 05 Oct 2001)

Attachment to Memo: Techniques for rapid, agile contracting support

- Complete Authority (2) J&A within a reasonable time “after” contract award
- Oral solicitation
- Letter Contracts/UCA’s
- Modify existing contracts
- Pro-active planning for known and anticipated needs
- NOTE: Not an all-inclusive list of techniques

Contingency Operations Authorized

(OUSD/AT&L Memo, 09 Oct 2001)

- National Emergency Declared
  - Presidential Proclamation 7463, 14 Sep 2001
- May use “contingency operations” FAR provisions and procedures for Enduring Freedom acquisitions

All Regular Reviews, Approvals, Coordinations Still Required

- Legal
  - No waiver to file reviews
  - Legal review of one-time clauses is “not” waived, per AFMC/JA
  - Reviews will be expedited
- Clearance
  - Clearance *approval* always required
  - Clearance *review* may be waived under $500M
    - WR-ALC Contracting Handbook 1.9008(a)(vii)
    - Post Award Review required within 30 days after award

Award Expeditiously, But Within the Law

- Justify Other Than Full & Open Competition
  - J&A $100K and over (Unusual and Compelling Urgency iaw FAR 6.302-2)
  - Urgent, Sole Source Justification under $100K (AFFARS 5313.106-1(a)(4))
- Verbal Small Business coordination
  - Followed by written coordination
- MUST determine prices fair and reasonable
- Synopsis Exemption (FAR 5.202)
- See PK OI 64-08 , Emergency Contracting Procedures, for other procedures/FAR references

Local Operating Instructions

- PK-OI 64-08, Emergency Contracting Procedures
- PK-OI 64-03, Processing Contracting Actions During Periods of Computer Outage/Failure
- PKO-OI 64-102, Contingency Support Program

Your Link to All Known Guidance

- WR-ALC/PK Electronic Bulletin Board
  - PKPB will post new guidance as received
- PKPB Website
  - http://pkec.robins.af.mil/pr/pkpb.htm
  - Link to AFMC/PK Enduring Freedom & Noble Eagle Website
  - PCO Seminar Charts
  - Other guidance will be added as received

FAR 1.204(e)

- “If a policy or procedure …. is in the best interest of the Government and is not specifically addressed in the FAR nor prohibited by law (statute or case) Government members of the Team *should not assume it is prohibited.”*
- Absence of direction permits innovation and use of sound business judgment *consistent with law and within the limits of their authority.*
- When in doubt, consult with Legal and/or Policy